

1 VIJAY K. TOKE (CA Bar No. 215079)
(vijay@cobaltlaw.com)
2 MATTHEW S. SLEVIN (CA Bar No. 287968)
(matt@cobaltlaw.com)

3 COBALT LLP
4 918 Parker Street, Bldg. A21
Berkeley, CA 94710
5 Telephone: (510) 841-9800
Facsimile: (510) 295-2401

6
7 JOEL T. BERES (CA Bar No. 125890)
(jberes@stites.com)
8 AMY CAHILL (admitted *pro hac vice*)
(acahill@stites.com)

9
10 STITES & HARBISON PLLC
11 400 West Market Street, Suite 1800
Louisville, KY 40202-3352
12 Telephone: (502) 587-3400
Facsimile: (502) 587-6391

13 MARI-ELISE TAUBE (admitted *pro hac vice*)
(mtaube@stites.com)

14
15 STITES & HARBISON PLLC
16 1199 North Fairfax St., Suite 900
Alexandria, VA 22314
17 Telephone: (703) 837-3932
Facsimile: (703) 518-2952

18 Attorneys for Plaintiff
PIXELS.COM, LLC

19
20 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

21 PIXELS.COM, LLC, an Illinois limited liability
22 company,

Case No.: 3:15-cv-03610-VC

23 Plaintiff,

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND TIME TO
RESPOND TO COMPLAINT AND SET
MODIFIED BRIEFING SCHEDULE**

24 v.
25 INSTAGRAM, LLC, a Delaware limited liability
company,

26 Defendant.

27

1 Pursuant to Civil Local Rule 6-1(a), Plaintiff Pixels.com, LLC (“Plaintiff”) and Defendant
2 Instagram, LLC (“Defendant”) and, by and through their respective counsel of record, hereby
3 stipulate as follows:

4 WHEREAS, Plaintiff served its Complaint for declaratory relief and antitrust violations
5 (“Complaint”) on August 11, 2015;

6 WHEREAS, Defendant currently has until September 1, 2015 to respond to the Complaint;

7 WHEREAS, Defendant has requested and Plaintiff has consented to an additional 20 days
8 for Defendant to respond to the Complaint;

9 WHEREAS, the Parties believe an additional 20 days for Defendant’s response to the
10 Complaint will not alter the date of any event or any deadline already fixed by Court order;

11 WHEREAS, this is the first extension of Defendant’s deadline to respond to the Complaint
12 by the Parties;

13 WHEREAS, Defendant has indicated it is considering whether to file a response to the
14 complaint that will require a response from Plaintiff;

15 WHEREAS, due to pre-planned travel schedules for Plaintiff’s counsel, the Parties have
16 agreed to a modified briefing and hearing schedule for any such submission filed by Defendant;

17 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through
18 their respective counsel, that:

19 (1) Defendant shall answer or otherwise respond to the Complaint by September 21,
20 2015.

21 (2) If Defendant files a pleading other than an Answer, requiring a response from
22 Plaintiff:

23 a. Plaintiff shall have up to and including October 12, 2015 to file a response to
24 such submission.

25 b. Defendant will have up to and including October 19, 2015 to file a reply brief if
26 it chooses to do so.

27 / / /

28 / / /

c. The hearing on such submission shall be heard on November 5, 2015 or such other date thereafter as the Court sets based on its schedule and convenience.

IT IS SO STIPULATED.

Dated: August 26, 2015

COBALT LLP

By: /s/ Vijay K. Toke
Vijay K. Toke

STITES & HARBISON PLLC

By: /s/ Amy Cahill
Amy Cahill (admitted *pro hac vice*)
Joel T. Beres
Mari-Elise Taube (admitted *pro hac vice*)

Attorneys for Plaintiff,
PIXELS.COM, LLC

Dated: August 26, 2015

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ James G. Gilliland, Jr.
James G. Gilliland, Jr.

Attorneys for Defendant,
INSTAGRAM, LLC

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Defendant may have until September 21, 2015 to answer Plaintiff's complaint. If Defendant files a pleading other than an Answer, requiring a response from Plaintiff, Plaintiff's opposition is due on October 12, 2015 and Defendant's reply to the opposition is due on October 19, 2015. The hearing on such a submission shall be held on November 12, 2015.

Dated: August 28, 2015



UNITED STATES DISTRICT JUDGE

ATTESTATION OF CONCURRENCE

I, Vijay K. Toke, attest that I am one of the attorneys for Plaintiff Pixels.com, LLC, an Illinois limited liability company, and, as the ECF user and filer of this document, I attest that, pursuant to United States District Court, Northern District of California Civil L.R. 5-1(i)(3), concurrence in the filing of this document has been obtained from James Gilliland, the above signatory.

Dated: August 26, 2015

By: /s/ Vijay K. Toke
Vijay K. Toke